MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

DECEMBER 4, 2012

CALL TO ORDER
Mayor Lavagnino called the Regular Meeting of the City Council to order at 5:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Deputy City Manager Lara, and Chief Deputy City Clerk Garietz.

PUBLIC COMMENT:
There were no requests to speak.

RECESS:
Mayor Lavagnino recessed to a Closed Session at 5:32 p.m. for:

1) Public Employee Discipline/Dismissal/Release pursuant to Government Code Section 54957;

2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 117-820-002 with Agency Negotiator: Richard Sweet, Director of Utilities and Negotiating Parties: Nick Tompkins. Under Negotiation: Price and Terms of Payment; and

3) Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code with Agency Representative: Deputy City Manager and Employee Organizations: Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Union Local 2020; Public Safety Managers; Santa Maria Police Association of Middle Management (SMPAMM); and Non-Represented Management and Confidential Employees.

RECONVENE:
Mayor Lavagnino reconvened the Regular City Council meeting at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Interim Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Administrative Services Visé, Director of Public Works/City Engineer Whitehead, Deputy City Manager Barnhard, Deputy City Manager Lara, Utilities Engineer Kahn, and Chief Deputy City Clerk Garietz.

CLOSED SESSION REPORT:
City Attorney Trujillo reported on the actions taken in the Closed Session:
Discipline/Dismissal/Release pursuant to Subsection (b) of Government Code Section 54957 – There was no reportable action.

Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 – Direction was given to staff.

Conference with Labor Negotiators pursuant to 54957.6 – A status report was given.

INVOCATION:
Pastor Jim Schettler of First Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

1. PROCLAMATIONS/PRESENTATIONS:
There were no Proclamations on this agenda.

2. PUBLIC COMMENT

Tom Elderding, representing Friends of the Orcutt Library, spoke about the transition of the new Orcutt Library to its new location. He invited the City Council to attend the grand opening at 10:00 a.m., December 8, 2012. He stated that the Friends of the Orcutt Library appreciated the strong position the City took in making the new library happen. He thanked the City Council.

Art Foster, Santa Maria High School Race Team, spoke about illegal racing that had been happening on the weekends on East Stowell Road. He stated that the illegal racing was detrimental to the high school's racing program. Students from the racing team introduced themselves and spoke about their involvement in the racing program.

Ernest Armenta asked that the Council pull Item 3C from the Consent Calendar for an explanation by City Manager Haydon. He commented about the two-tiered retirement benefits and salaries being paid to the new Firefighters and Police Officers, specifically that women were not paid as much as the men. He also stated that there needs to be an equal balance with budget reductions for all departments, with performance-based pay and at-will employment for all employees, not just managers.

Mayor Lavagnino commented that he had enjoyed their rapport over the years. He thanked Mr. Armenta for keeping him on his toes.

Ernest Armenta commented that he and the Mayor had exchanged some good debates over the years, and sometimes it had gotten extreme, but Mayor Lavagnino was his friend.

City of Guadalupe Mayor Lupe Alvarez bid farewell to Mayor Lavagnino. He thanked the Mayor for his leadership, friendship, and assistance that he has provided over the years to Guadalupe. He stated that Mayor Lavagnino had assisted with many things that benefit Guadalupe, such as the Santa Maria levee, the six lane freeway, and the Library. Mayor Alvarez stated that Mayor Lavagnino was like a grandfather to him and that he respected him very much.

Mayor Lavagnino commented that he had an extra son in Mayor Alvarez. They have had a great run during their time on SBCAG which has benefited Santa Maria, Guadalupe, and Lompoc. He thanked Mayor Alvarez for the kind words.

3. CONSENT CALENDAR

Mayor Lavagnino indicated that he would pull Item 3C for an explanation by City Manager Haydon. Councilmember Cordero also asked that Item 3C be pulled for explanation. Councilmember Patino asked that Item 3I be pulled for discussion.

Councilmember Boysen indicated that he had a conflict and would be abstaining from voting on Item 3D, Payment of Warrants.

Item 3C – Compensation Adjustments for the City Manager

In recognition of Mr. Armenta's request, Mayor Lavagnino asked to have City Manager Haydon explain the merit step and compensation adjustments.

City Manager Haydon indicated that the law requires that when executive management staff gets any type of compensation increase, it must be done in an open session. A performance evaluation was completed on November 20, 2012. As a result of the evaluation and his performance, the Council directed staff to advance him to Step C after serving one year at Step B, and provide an auto allowance that was consistent with other City management employees. The City Council also offered to increase his performance-base pay for which he respectfully declined to accept at this time based upon the fiscal condition of the City and employees being asked for continued concessions in 2013.

City Manager Haydon also explained how the performance-based pay program worked for at-will department heads. In year's past, former City Manager Ness offered performance-based pay to other City employees, which would require them to give up their property rights in their position and be at-will. Those employees respectfully declined to accept the offer. City Manager Haydon also discussed pensions for new and existing employees, stating that Santa Maria was the first City on the Central Coast to implement some type of pension reform by establishing a two-tiered retirement system. Governor Brown has since mandated that all new employees hired after January 2013 be in a third-tier retirement system for full time and part time employees. Therefore, the City will have three tiers for retirement benefits. Finally, City Manager Haydon commented that each year reductions are considered in all of the operating departments. Public Safety is the number one priority of the City Council, and the Fire Department's operating budgets cannot be reduced anymore than what has already been done in the past. All operating department expenses in the General Fund were reduced by 2 percent and 1 percent in the Police Department. The Fire Department budget did not have any discretionary appropriations that could be reduced during the last budget cycle.

Councilmember Cordero stated that the raise occurred because of the successful completion of his probationary period, and nothing to do with an additional pay incentive for Mr. Haydon. His contract indicates that when he completes his probationary period, he is eligible for his next step. Councilmember Cordero indicated that more than a year ago he stated that it was difficult for people to understand how the City could be giving performance-based pay increases in a time of negative negotiations and taking concessions from employees. He was pleased to see City Manager Haydon take the leadership roll and not accept the performance-based pay increase.

Item 3I – Business Hazardous Waste Disposal Program
Councilmember Patino wanted the public to know about the Business Hazardous Waste Disposal Program. There was a long list of hazardous waste that people were disposing in their trash cans which could be taken to the landfill under this program.

Consent Calendar Items 3A through 3I (except 3D) were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3D was approved on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Boysen

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of November 20, 2012, were approved as submitted.

C. MERIT STEP INCREASE AND ASSOCIATED COMPENSATION ADJUSTMENTS.
Resolution No. 2012-133 was adopted approving a merit step increase and associated compensation adjustments for the City Manager consistent to that of other City Employees.

Resolution No. 2012-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A MERIT STEP INCREASE AND ASSOCIATED COMPENSATION ADJUSTMENTS FOR THE CITY MANAGER CONSISTENT TO THAT OF OTHER CITY EMPLOYEES.

D. WARRANTS.
Warrant Nos. 176276 176521 totaling $1,231,557.34 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 171480, 175519, 175953, 176076, 176087, 176108, 176117, 176165, and 176465 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. BREEZE REGIONAL TRANSIT SERVICE
City Council adopted a resolution authorizing the execution of the Memorandum of Understanding (MOU) between the cities of Santa Maria, Buellton, Solvang, the County of Santa Barbara and the Santa Barbara County Association of Governments (SBCAG) to extend the Breeze service to Los Alamos, Buellton and Solvang as a two-year pilot service.

Resolution No. 2012-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE EXECUTION OF THE MEMORANDUM OF UNDERSTANDING (MOU) TO EXTEND THE BREEZE SERVICE BETWEEN THE CITY OF SANTA MARIA, CITY OF SOLVANG, CITY OF BUELLTON, AND COUNTY OF SANTA BARBARA.

G. NOTICE OF CONTRACT COMPLETION

The City Council approved a Notice of Contract Completion for Landfill Concrete Drainage Swale, Bid No. 2012/03, and directed the Chief Deputy City Clerk to record the same.

H. AGREEMENT FOR GREEN WASTE OPERATIONAL MANAGEMENT

The City Council approved and authorized the Director of Utilities, or his designee, to enter into an Agreement with Engel and Gray, Incorporated, for the City of Santa Maria Utilities Department; and authorized the Director of Utilities, or his designee, to enter into extensions and modifications, consistent with the terms of the Agreement.

Resolution No. 2012-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND DIRECTING THE DIRECTOR OF UTILITIES TO EXECUTE A CONTRACT WITH ENGEL AND GRAY INCORPORATED FOR GREEN WASTE OPERATIONAL MANAGEMENT.

I. BUSINESS HAZARDOUS WASTE DISPOSAL PROGRAM FOR "CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS".

The City Council adopted a resolution establishing a "Conditionally Exempt Small Quantity Generator" program for hazardous waste disposal for businesses and non-households at the Santa Maria Regional Landfill.

Resolution No. 2012-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE BUSINESS HAZARDOUS WASTE CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR (CESQG) PROGRAM AND ADOPTING A FEE SCHEDULE FOR BUSINESSES THAT DIRECTLY RECEIVE THE SERVICES OF THE PROGRAM.

4. COUNCIL DISCUSSION REGARDING THE OPTIONS AVAILABLE TO FILL THE SOON-TO-BE VACATED CITY COUNCIL SEAT.

City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. Staff received the certified results from the Santa Barbara County Elections Office. The results indicate that Terri Zuniga won one of two seats with 9,728 votes, and Councilmember Bob Orach won the second of the two Council seats with 9,219 votes. Etta Waterfield was the third highest vote-getter with 9,217 votes, two votes behind Councilmember Orach. The County Elections Office indicated that they tallied the votes by hand because of the number of vote by mail ballots received at the polling places and the provisional ballots that were distributed. During the counting process, the County realized that three City voters were issued an incorrect ballot and were not able to vote in the City's races. The County Elections Official is certifying the results at it stands, and indicated that the only other recourse at this point was to either: 1) request a recount within five days of the certification of the election at the requestor's expense; or 2) file an Elections Contest with the court at the petitioner's expense. Any qualified voter of the City can request a recount. City Manager Haydon gave an overview of the possible options available to fill the soon-to-be vacated City Council seat that will be presented to the newly-elected City Council at the December 18, 2012, City Council Meeting. On November 6, 2012, in the General Municipal Election, Councilmember Patino won her bid for Mayor. On December 18, 2012, when Mayor-elect Patino assumes the Office of Mayor, she will vacate her council seat. At the time of her appointment to the Office of Mayor, Mayor-elect Patino will have served two years of her four-year term as a City Councilmember, leaving two years remaining on her former Council seat. At the meeting of November 20, 2012, the City Council requested that staff place on the December 4, 2012, City Council Meeting agenda, a report outlining the options available to fill the soon-to-be vacated City Council seat. The City has experienced vacancies of the Councilmembers' seats four times in the past 20 years. All four vacancies were filled by appointment, rather than by special election because of the cost associated with conducting a special election. Three of the four vacancies were filled by the Council appointing the third highest vote-getter in the General Election, and one vacancy was appointed by Council after soliciting applications from interested individuals. Pursuant to Government Code Section 36512, the City Council shall, within 60 days from the commencement of a vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. In anticipation of the soon-to-be vacated Council seat, on December 18, 2012, the newly-elected City Council will be provided four options to fill the vacant City Council seat. The four options are: 1) direct that proper resolutions be prepared to call and conduct a special election at a cost of $200,000; 2) direct staff to prepare an ordinance providing for the appointment to fill the vacant City Council seat on a temporary basis until such time as a special election is held; 3) adopt a resolution making an immediate appointment to the City Council; or 4) take applications from interested individuals to make an appointment to the City Council. One other alternative is that at the December 18, 2012, City Council meeting, the City Council can consider directing staff to continue the matter to the next City Council meeting for further discussion. The next Council Meeting is January 15, 2013.

Mayor Lavagnino indicated that no action will be taken on this item this evening, that it was being presented for information only. The decision will be made by the new City Council on December 18, 2012.

Public Input

Karen Cordary suggested that the Council make an appointment of the highest vote-getter. She expressed concerns about the cost of a Special Election, and that certain Councilmembers may not be able to vote on Community Development Block Grant items.

David Swenk, Urban Planning Concepts, spoke in support of making an appointment to fill the Council vacancy. He spoke about Measure U2012, and how calling for a Special Election would send the wrong message. The voters have spoken. He encouraged the Council to appoint Etta Waterfield.

Bob Morrision congratulated Mayor Lavagnino on his upcoming retirement. He thanked the Council for the public Christmas tree display in front of City Hall. He also spoke about the election and how close the votes were in the Council race, and that the City did not have $200,000 for a Special Election. He knows the Council will do the right thing and appoint Etta Waterfield.

Roy Allen thanked Mayor Lavagnino for his service. He indicated that it was a "no-brainer." The City could not afford a Special Election. The votes were clear. The Council should appoint Etta Waterfield.

Robert Dickerson congratulated the candidates. He spoke about the process, and stated that the will of the people was clear. To bypass the third highest vote-getter to appoint anyone else, whether by application or some other means, was not fair to the process. For the welfare of the community, he recommended that a 4-0 vote to appoint Etta Waterfield would show solidarity. He thanked Mayor Lavagnino for appointing him to the Block Grants Advisory Committee.

Etta Waterfield stated that with her work as a Planning Commissioner and as an Economic Development Director, she had the opportunity to work closely with Mayor Lavagnino. They were able to complete great projects for the City. She wished him the best in his retirement. Ms. Waterfield indicated that it was her hope that it would be the pleasure of the new City Council to appoint her as the third highest vote-getter.

Nancy Stewart commented that she appreciated that the candidates conducted clean campaigns during the election. She supports the Council appointing the third highest vote-getter. The City did not need to waste time and money, and half a term waiting to appoint someone else or have another election.

Jan Rush indicated that she agreed with all of the previous speakers. She provided three words for the Council to consider: 1) "prudence" in not spending $200,000 on a Special Election in this economic climate; 2) "pragmatism" in doing the simplest and most accurate thing by appointing the third vote-getter; and 3) "equity" for the voters of Santa Maria whose votes were separated by only two votes.

Anthony Morales, President of the Firefighters' Local 2020, stated that they endorsed Etta Waterfield during the election for the Council seat; and since the election is not over yet, they continue to endorse her. He agreed with all of the previous speakers, as well. The voters had spoken and it needed to be respected. He asked that the Council appoint Etta Waterfield.

Ernest Armenta asked how much his vote was worth. He recommended that the City Council call a Special Election, and let the voters decide. A vote was priceless. The Council has never set a policy on how to fill vacancies on the Council.

Bruce Corsaw, SEIU Local 620, commented he would like to see the candidates interviewed with the incoming Council who ran for Mayor and Council. He asked that the Council not make a quick, easy decision. He stated that holding a Special Election was not prudent or wise, as SEIU members have made sacrifices for three years, and was being asked to make more. Spend money wisely, but do a good job by ensuring the best candidate is chosen.

Mayor Lavagnino asked Chief Deputy City Clerk Garietz to read a letter from former President of the Santa Maria Police Officer's Association, Chris Nartatez, which recommended that the Council appoint current Councilmember Mike Cordero to the soon–to-be vacated Council seat.

Council Discussion

Councilmember Cordero stated that he was very interested in continuing to volunteer and serve the Council, and would be interested entertaining an appointment to the Council if that was the process chosen by the new Council. He stated that a lengthy and prolonged process could prove detrimental to the Council, and he would not favor one of those options.

Councilmember Orach stated that he has not heard one person in the community who has indicated that the third highest vote-getter should not be appointed to fill the vacancy. He knew that the votes would be close.

Councilmember Patino congratulated Terri Zuniga and Bob Orach. She indicated that she has all the confidence in the new Council that they will make the right decision for the people of Santa Maria.

Councilmember Boysen indicated that he also has confidence that the new Council in its wisdom will do the right thing.

Mayor Lavagnino indicated that it would be unwise to spend $200,000 on a Special Election in these tough economic times. He indicated that the future Council should set a policy for handling future Council vacancies He has faith that the new Council will make the right decision. Mayor Lavagnino congratulated the elected candidates.

Mayor Lavagnino called for a five minute break at 7:49 p.m.

The meeting reconvened at 7:55 p.m. with all members of the Council present.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the December 18, 2012, City Council Meeting, including Lights, Sights & Holiday Nights decorating contest awards; Consent Agenda items regarding cancellation of the first meeting in January 2013 for the City Council and Planning Commission, the Growth Mitigation Annual Compliance Report, Weed Abatement Cost Assessments – Re-mows, Safe Routes to School Grant acceptance; and Regular Business items regarding the certification of the election and installation of the new City Council, nomination of the Mayor Pro Tem, and the discussion of the Council nomination and appointment process for advisory boards that was requested by Councilmember Boysen.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Cordero reported that he spent time working with the Altrusa Club on the annual Christmas Tree event, and spent time in San Francisco on business.

Councilmember Orach reported that he worked the majority of the time since the last meeting.

Mayor Lavagnino reported that he attended the Police Chief interviews, the All-City Open House, and the Parade of Lights.

Councilmember Patino reported that she spoke on the Ben Heighes KUHL radio show, sat in on the oral board for the Chief of Police, attended the All-City Open House, the tree lighting ceremony, and the Parade of Lights.

Councilmember Boysen asked City Manager Haydon if the discussion of the appointment to fill the vacant Council seat would be on the agenda as a regular business item.

City Manager Haydon confirmed that it would be and it will follow the certification of the election.

Councilmember Boysen also asked about the proposal for the 10-year plan on homelessness.

City Manager Haydon responded that the 10-year plan on homelessness will be coming forward and there will be an appointment of two Councilmembers. The task force is Countywide. The item will be coming forward on the meeting of January 15, 2013, along with the other Council appointments to outside agency boards.

Councilmember Boysen indicated that the 10-year plan on homelessness is also looking for financial support. The City of Santa Barbara and the County of Santa Barbara have each committed $75,000. He also thanked the City's employees for the All-City Open House.

ADJOURNMENT

There being no further business to come before the City Council at this time, Mayor Lavagnino declared his last meeting on the City Council adjourned at 8:15 p.m.

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APPROVED

December 4, 2012
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk